

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

|                         |   |                          |
|-------------------------|---|--------------------------|
| <b>IN RE:</b>           | ) |                          |
|                         | ) | <b>Case No. 19-27168</b> |
| <b>TAMMY D. KOONCE,</b> | ) | <b>Chapter 13</b>        |
|                         | ) |                          |
| <b>Debtor.</b>          | ) |                          |
|                         | ) |                          |

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**OBJECTION TO CONFIRMATION OF PLAN  
RE: 7959 Merrel Drive, Millington, TN 38053**

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Comes Now, U.S. Bank Trust National Association, as Trustee of Cabana Series III Trust, BSI Financial Services as servicer (“Creditor”), by and through its undersigned legal counsel, and files this written Objection to Confirmation of Debtor's Proposed Chapter 13 Plan pursuant to 11 U.S.C. 1324 and Bankruptcy Rule 3015(f), and as grounds therefore states:

Creditor is a secured creditor holding a secured claim against the Debtor’s real property located at 7959 Merrel Drive, Millington, TN 38053. The prepetition arrearage amount of the claim as of the date of filing is \$76,927.29 as set forth in Creditor's Proof of Claim. The estimated secured arrearage is substantially higher than the amount scheduled and will be more fully set forth in Creditor’s Proof of Claim.

The plan as proposed states that the loan is to be paid through a loan modification that to date, the Debtor has not requested much less been approved for any sort of loan modification. The Claim addresses the Debtor’s principal residence, for which the Debtor should be paying out through the plan, if confirmed.

The Debtor's schedules do not indicate the ability to fund a plan with the proper amounts. The plan was filed in bad faith and Creditor objects to the feasibility of the Chapter 13 Plan and bankruptcy case as a whole.

The Chapter 13 Plan does not comply with 11 U.S.C 1322 and 11 U.S.C 1325 and is not accepted by Creditor.

**WHEREFORE**, Creditor respectfully requests that this Honorable Court decline Confirmation of Debtor's proposed Plan and grant such further and other relief as is just.

/s/Edward D. Russell  
Edward D. Russell, BPR #26126  
The SR Law Group  
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Dated: November 14, 2019

/s/Mark Cantora  
Mark Cantora  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of November 2019, a true and correct copy of the Objection to Confirmation of the Plan was served by regular mail upon Tammy D Koonce, 7959 Merrel Dr., Millington, TN 38053. I also caused a copy to be filed in this proceeding by electronic means and to be served as follows: counsel for the Debtor, The Reno Law Offices, 840 Valleybrook Drive, Memphis, TN 38120; Sylvia F. Brown, Chapter 13 Trustee, 200 Jefferson Ave. Suite #1113, Memphis, TN 38103; United States Trustee, One Memphis Place, 200 Jefferson Ave., Suite 400, Memphis, TN 38103, and electronically to those identified on the CM/ECF system for this case.

By: /s/Edward D. Russell  
Edward D. Russell